

REMARKS

In response to the Final Office Action of October 4, 2004, claims 1, 13 and 17 have been amended.

With regard to the Examiner's rejection of:

Claims 1, 4, 6-29, under § 103(a), as being obvious in view of the combination of teachings of Sundman ('256) and Garuit-Lempirou ('803), these rejections are respectfully traversed. Specifically, claim 1 has been amended to include the following feature:

...measuring surface coordinates of the undersurface detected by the at least one laser scanning unit by gathering data which directly correlates to accurate 2-dimensional distance measurements between the at least one laser scanning unit and the underside of the foot;

Claims 3 and 17 have been similarly amended.

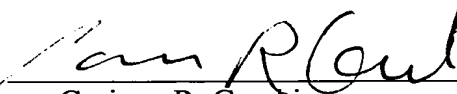
As pointed out by the Examiner in the Interview Summary of June 2, 2004, Garuet-Lempirou (Figure 3; column 6, lines 30-65) correlates the measured data by utilizing a scanning apparatus that does not directly gather data "which directly correlates to accurate 2-dimensional distance measurements between the at least one laser scanning unit and the underside of the foot" as recited in amended claims 1, 13 and 17 since the shape of the foot support (Figure 3, element 40) causes diffraction of the lamellar scanning beam which yields a displaced measured coordinate which must be calibrated in order to provide a corrected measured coordinate which can be subsequently processed to provide a three-dimension depiction of the undersurface of a foot. A review of the remainder of Garuet-Lempirou reveals that the patentee provides no guidance to modify those teachings mentioned above to perform a scanning requiring no calibration of the scanned foot. Therefore, the combination of teachings of Sundman ('256) and Garuit-Lempirou ('803) does not teach each and every feature of the claimed invention, and, further, does not provide one of ordinary skill in the prior art a suggestion to modify the teachings of Garuit-Lempirou to perform no calibration

- 8 -

of the measured coordinates. Consequently, a prima facie case of obviousness has not been established, and the rejections of claims 1, 3, 4, 6-29 must now be withdrawn.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Respectfully submitted,

By 
Corinne R. Gorski
Registration No. 34,339

NIXON PEABODY LLP
Suite 900
401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000